

UNITED STATE DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

| | | |
|---------------------------------------|---|-----------------|
| WINDRIVER INVESTMENTS, LLC, |) | |
| |) | |
| Plaintiff, |) | |
| |) | No. 3:12-CV-454 |
| |) | (VARLAN/GUYTON) |
| V. |) | |
| |) | |
| LTR PROPERTIES, INC., <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

REPORT AND RECOMMENDATION

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and the order of the District Judge [Doc. 17] referring Plaintiff's Motion for Extension of Temporary Restraining Order [Doc. 7] to the undersigned for disposition or report and recommendation as may be appropriate.

In its Motion for Extension of Temporary Restraining Order, the Plaintiff moves the Court to enter an Order extending a Temporary Restraining Order issued by the Honorable Russell E. Simmons, Circuit Judge for the Loudon County Circuit Court, on August 21, 2012. Specifically, the Plaintiff moves the Court to extend the Temporary Restraining Order from September 5, 2012, to September 20, 2012. [Doc. 7]. On November 13, 2012, counsel for the Plaintiff represented to the chambers of the undersigned that the Plaintiff's request to extend the Temporary Restraining Order is moot because no party has attempted to act upon the declarant rights at issue in this case since issuance of the Temporary Restraining Order.

Based upon counsel's representation, the undersigned **RECOMMENDS**¹ that Plaintiff's Motion for Extension of Temporary Restraining Order [**Doc. 7**] be **DENIED AS MOOT**.

Respectfully Submitted,

/s H. Bruce Guyton
United States Magistrate Judge

¹ Any objections to this Report and Recommendation must be served and filed within fourteen (14) days after service of a copy of this recommended disposition on the objecting party. Fed. R. Civ. P. 72(b)(2). Such objections must conform to the requirements of Rule 72(b), Federal Rules of Civil Procedure. Failure to file objections within the time specified waives the right to appeal the District Court's order. Thomas v. Arn, 474 U.S. 140, 106 S. Ct. 466 (1985). The district court need not provide de novo review where objections to this report and recommendation are frivolous, conclusive or general. Mira v. Marshall, 806 F.2d 636 (6th Cir. 1986). Only specific objections are reserved for appellate review. Smith v. Detroit Federation of Teachers, 829 F.2d 1370 (6th Cir. 1987).